

Serial No. 09/922,910  
Page 5 of 9

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed July 10, 2008. In the Office Action, the Examiner notes that claims 1-19 are pending and rejected. By this response, Applicants have amended independent claim 1.

In view of the following discussion, Applicants submit that all of the claims now pending are in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

### **35 U.S.C. §103(a) Rejection of Claims 1-19**

The Examiner has rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Knudson et al. U.S. Patent No. 6,016,141, hereinafter "Knudson" in view of Hendricks et al. U.S. Patent No. 6,201,536, hereinafter "Hendricks" and further in view of Funahashi et al. U.S. Patent No. 5,691,915, hereinafter "Funahashi." The rejection is respectfully traversed.

Independent claim 1 recites:

1. In an interactive information distribution system containing service provider equipment and subscriber equipment that is interconnected by a communications network, a method of providing a subscription-on-demand service, comprising:
  - providing a set of more than two on-demand programs;
  - packaging the set into a subset having at least two on-demand programs of the set of on-demand programs;
  - providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access;
  - receiving a selection of one of the subset of the at least two on-demand programs; and

811995-1

Serial No. 09/922,910  
Page 6 of 9

immediately providing said selection in its entirety if a price of said selection is zero or providing an option to purchase the selection a la carte if said price of said selection is non-zero. (Emphasis added).

Applicants respectfully submit that the combination of Knudson and Hendricks, alone or in any permissible combination, fails to teach or suggest at least the providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs, providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access and immediately providing said selection in its entirety if a price of said selection is zero or providing an option to purchase the selection a la carte if said price of said selection is non-zero, as recited in independent claim 1.

Knudson discloses an interactive television program guide system with pay program package promotion. Knudson teaches one embodiment of providing a package of premium channels. (See Knudson, col. 5, ll. 52-60.) In an alternative embodiment, Knudson teaches providing a package of pay-per-view programming such as the Olympics. (See Knudson, col. 6, ll. 4-13.)

Notably, none of the programming packages offered by Knudson include on-demand programs, as taught by Applicants invention. In fact, Knudson teaches that the programs are displayed in a grid of time slots and the method taught by Knudson is activated when a viewer chooses a program from the time slot. (See Knudson, col. 4, ll. 22-37, 58-65; FIG. 2.) Those skilled in the art recognize that on-demand programming is not restrained to assigned time slots. Rather, on-demand programming is available to a viewer at any time upon request. Therefore, Knudson clearly does not teach or suggest providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs and providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access, as recited in independent claim 1.

811995-1

Serial No. 09/922,910  
Page 7 of 9

Moreover, Hendricks fails to bridge the substantial gap between Knudson and Applicants' invention of at least claim 1. Applicants' note the Examiner's appears to be blurring the embodiments taught by Hendricks. The sections of Hendricks cited by the Examiner teach program packaging or the transmission of a single video on demand program. Although Hendricks does teach video on demand, Hendricks fails to teach or suggest that the video on demand programs may be packaged into a subset that may be purchased as a single package. Therefore, even if Knudson and Hendricks were permissibly combined, the combination of Knudson and Hendricks fails to teach the novel concept of providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs, providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access, as recited in independent claim 1.

Moreover, the combination of Knudson and Hendricks fails to teach or suggest immediately providing said selection in its entirety if a price of said selection is zero or providing an option to purchase the selection a la carte if said price of said selection is non-zero. The Examiner concedes this. (See Office Action, p. 4, ll. 1-3). However, the Examiner asserts that Funahashi bridges the substantial gap left by Knudson and Hendricks. The Applicants respectfully disagree.

Funahashi fails to bridge the substantial gap left by Knudson and Hendricks because Funahashi also fails to teach or suggest immediately providing said selection in its entirety if a price of said selection is zero or providing an option to purchase the selection a la carte if said price of said selection is non-zero. First, the Applicants' note that Funahashi is not directed towards video on demand programs, but rather karaoke songs. (See Funahashi, generally).

In addition, Funahashi only teaches that a partial preview of a song may be provided for free (i.e. partial access). (See Funahashi, col. 1, l. 47 – col. 2, l. 1+, col. 4, ll. 13-52, col. 5, l. 9-col. 6, l. 1+, emphasis added). Notably, Funahashi specifically teaches that the user must pay in order to obtain complete access to a song. (See Funahashi, col. 12, ll. 62-66). As a result, Funahashi only teaches providing a free

811995-1

Serial No. 09/922,910  
Page 8 of 9

preview or partial access to a song for free. Therefore, Funahashi fails to teach or suggest immediately providing said selection in its entirety if a price of said selection is zero or providing an option to purchase the selection a la carte if said price of said selection is non-zero.

Furthermore, the combination of Knudson and Hendricks cannot be meaningfully combined because Hendricks teaches away from Knudson. As discussed above, Knudson teaches packaging premium channels having programming delivered at fixed time slots. (See Knudson, col. 4, ll. 22-37, 58-65; FIG. 2.) In contrast, Hendricks discloses a method and system for delivering a single video on demand program. Applicants respectfully submit that at the time of Hendricks' invention, video on demand typically comprised paying for a single program in an a la carte fashion, wherein the program could be requested at any time. As a result, using the delivery method of video on demand programming taught by Hendricks to modify Knudson would be contrary to the teachings of Knudson because Knudson teaches packaging premium channels having programming in fixed time slots together.

As such, independent claim 1 is patentable under 35 U.S.C. §103 over Knudson, Hendricks and Funahashi. Claims 2-19 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, these dependent claims also are patentable over Knudson, Hendricks and Funahashi under 35 U.S.C. §103. Therefore, the Examiner is respectfully requested to withdraw the rejection.

811995-1

Serial No. 09/922,910  
Page 9 of 9

**CONCLUSION**

In view of the foregoing, Applicants believe that this application is in condition for allowance. Entry of this response, reconsideration of this application, and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: \_\_\_\_\_

*10/10/08*

*EJ Wall*

\_\_\_\_\_  
Eamon J. Wall, Attorney  
Registration No. 39,414

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808